

Patent Office Professional Association

October 24, 2001

To: Mr. Nicholas P. Godici, Acting Under Secretary of Commerce for
Intellectual Property and Acting Director of the USPTO

To Attention Of: Ronald P. Hack, Deputy Chief Information Officer

From: Ronald J. Stern, President
Patent Office Professional Association

Subject: Comments on Removal of Paper Files from the Public Search Facilities

These comments are presented in response to the Notice of Request for Comments published in the Federal Register on August 27, 2001. It is our understanding that the time for submission of comments was extended for thirty days due to the tragic events of September 11, 2001.

The Patent Office Professional Association is an employee organization that represents the approximately 3300 patent professionals at the USPTO. The vast majority of the employees we represent are engineers, scientists and lawyers who work as patent examiners and patent classifiers. These comments are submitted on behalf of the Association.

Although the Federal Register Notice assumes that the paper public search files will be removed, the Association believes that this decision should be revisited. It was assumed by many in our Association that the paper public search files would continue to be available as a backup to our electronic database and would be available for use by the patent examiners when needed.

The Association recommends that the USPTO retain paper files in the public search facility for at least the next ten years to both act as a backup to the electronic file and to provide an alternative search capability for those situations in which a paper search file is more effective and efficient.

Our members report that paper files are used to obtain copies of patents when the electronic system generates a "no document is available" message or when the image of the

electronic document is unreadable. Waiting until the system malfunction is corrected is usually an undesirable option since there is so much pressure to produce work quickly and since examiner productivity is measured in six minute increments delays of days or even hours are unacceptable.

In addition, the Association recommends that the documents now in the examiner search files be used to replace the documents in the current public search room so as to preserve the extensive annotations that the examiners have made to the documents over the years. In some areas, some examiners have taken the initiative to color code elements or flow patterns in the drawings. Other examiners have noted critical features in the drawings that are significant search aids to often lengthy documents. Having these annotations continue to be available with that information will maintain the efficiency and effectiveness of searches where that information is critical. We hope that you can maintain the availability of this information until it can be economically captured by a future electronic enhancement.

Considering that patent examiners will be potential users of any retained paper patent files in the public search facilities, we strongly recommend that the location of those paper patent files be no more than a short walk from the buildings housing the examiners.

Respectfully submitted,

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